

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of Missouri



Missouri State Conference of NAACP

Plaintiff

v.

Ferguson-Florissant School District

Defendant

Civil Action No. 4:14CV2077 RWS

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To:

Esther Haywood

(Name of person to whom this subpoena is directed)

☒ **Testimony:** **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: Crotzer & Ormsy
130 S. Bemiston, Suite 602
Clayton, MO 63105

Date and Time:

October 9, 2015 at 9:00am.

The deposition will be recorded by this method: stenographer

☒ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: See Exhibit 1, attached.

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 9/25/15

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Cindy Reeds Ormsby
Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Ferguson-Florissant School District, who issues or requests this subpoena, are:

Cindy Reeds Ormsby, 130 S. Bemiston, #602, Clayton, MO 63105; cormsby@crotzerormsby.com; 314-726-3040

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

EXHIBIT 1 TO SUBPOENA TO ESTHER HAYWOOD

INSTRUCTIONS

1. In responding to these document requests, you must produce all documents available to you or subject to your reasonable access or control. Documents requested are those in your actual or constructive possession or control of you, your attorneys, investigators, experts, and anyone else acting on your behalf. A document is in your possession, custody or control (a) if it is in your physical custody, or (b) if it is in the custody of any other person and you: (i) own such document in whole or in part; (ii) have a right, by contract, statute or otherwise, to sue, inspect, examine or copy such document on any terms; or (iii) have an understanding, express or implied, that you may use, inspect, examine or copy such document when they seek to do so.

2. Documents are to be produced as they are kept in the ordinary course of business.

3. Each request seeks the requested documents in their entirety, without abbreviation, redaction, or expurgation, including but not limited to all attachments or other matters affixed to them.

4. If any otherwise responsive document was, but is no longer, in existence or in your possession, custody, or control, identify the type of information contained in the document, its current or last known custodian, the location/address of such document, and the identity of all persons having knowledge or who had knowledge of the document, and also describe in full the circumstances surrounding its disposition from your possession or control.

5. All responsive documents in existence as of the date of production are to be produced.

6. The singular form of a noun or pronoun includes the plural form, and the plural form includes the singular.

7. The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of a request all responses that otherwise might be construed to be outside of its scope.

8. The relevant time period for these requests runs from August 1, 2014 through the present, unless otherwise stated.

9. All documents are to be produced in native format.

DEFINITIONS

10. "Concerning" as used herein means relating to, referring to, reflecting, regarding, describing, evidencing, or constituting.

11. "Communication" means any transfer of information of any type, whether written, oral, electronic, or otherwise.

12. "Document" means the complete original or a true, correct and complete copy and any non-identical copies of any written or graphic manner, no matter how produced, recorded, stored or reproduced, including, but not limited to, any writing, letter, envelope, telegram, electronic mail, computer file, meeting minute,, memorandum, statement, book, record, survey, map, study, handwritten note, working paper, chart, tabulation, graph, tape, data sheet, data processing card, database, printout, microfilm, index, appointment book, diary, diary entry, calendar, calendar

entry, desk pad, telephone message slip, note of interview or communication or any other data compilation in your possession, custody or control, including but not limited to all drafts of all such documents. You are requested to produce all drafts and notes, whether typed, handwritten, or otherwise made or prepared in connection with such documents, whether or not used.

13. "Relating to" as used herein means concerning, referring to, reflecting, regarding, describing, evidencing, or constituting.

DOCUMENT REQUESTS

Request #1: Produce all documents exchanged with Gill Ford, including any email communications, since August 1, 2015.

Request #2: Produce all phone numbers of all telephonic devices, including but not limited to your home phones, cell phones and office phones.

Request #3: Produce all phone records, itemizing each and every call made to and from the phone numbers described in Request #2, since August 1, 2015.